

Application No. 09/755,798
Amdt. dated April 11, 2008
Reply to Office action dated January 18, 2008

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to FIGS. 1-3.

Attachment: Replacement sheet

REMARKS

The Applicants have carefully reviewed the Office action mailed January 18, 2008 and thank Examiner Binda for his detailed review of the pending claims. In response to the Office action, Applicants have amended claims 1, 6, 8, 13, 15 and 20. No new matter has been added. Accordingly, claims 1-22 remain pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Drawings

The replacement drawings filed August 28, 2007 were objected to because the reference numeral 10 was not included. The drawings have been amended to correct this informality. Withdrawal of the objection is therefore respectfully requested.

Claim Objections

Claims 6, 13 and 20 were objected to because in line 2 of each claim the word "range" is misspelled. Applicants have amended the claims to correct the misspelling. Withdrawal of the objection is therefore respectfully requested.

Rejections 35 U.S.C. §112

Claims 1-22 were rejected under 35 U.S.C. §112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. More specifically, the Examiner states claims 1, 7 and 15 recite "a body portion" but do not identify the element whose portion is "a body portion". Accordingly, claims 1, 7 and 15 have been amended to recite "a transmission joint sealing boot defined by a body portion." Withdrawal of the rejection is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. §103

1. The Law

"To establish prima facie obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

2. Cartwright (U.S. 5,695,202) in view of one of Ayers (U.S. Patent No. 4,500,151); Rabe (U.S. Patent No. 6,151,641; and Jedlitschka (U.S. Patent No. 6,213,805)

Claims 1-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cartwright (U.S. Patent No. 5,695,202) in view of one of Ayers (U.S. Patent No. 4,500,151); Rabe (U.S. Patent No. 6,151,641; and Jedlitschka (U.S. Patent No. 6,213,805). Applicants respectfully traverse the rejection.

Applicant notes that each of amended independent claims 1, 8 and 15 recite "the body portion having a central inner cavity including a second circumference and an inner wall, said inner wall defined by said body portion and said second circumference defined by said inner wall, said second circumference being smaller than said first circumference of said interconnecting shaft so as to provide an interference fit," (emphasis added). Support for the amendments can be found in at least at Figs. 1-3 of the specification.

The Examiner asserts that Cartwright teaches "the second circumference being smaller than the first circumference of the interconnecting shaft so as to provide an interference fit," (*see Office Action, page 3*). However, a close reading of Cartwright, as well as a detailed review of FIG. 1 of Cartwright (reproduced below for the Examiner's convenience), reveals that "[t]he first annular lip 102 engages the outer surface 32 of the intermediate steering shaft 30 with an interference fit," (*see column 4, lines 34-36*). More specifically, Cartwright teaches that the "first annular lip" can not be "the body portion having a central inner cavity including a second circumference and an inner wall," because the boot 10 includes a body 80 that defines a cavity 82, with a separate internal bearing 90 (*see columns 2-3, lines 67-68 and 1-3*). The annular bearing "is supported for rotation . . . by the annular bearing 90 . . . [and] engages the outer surface 32 of the intermediate steering shaft

30,” (see column 4, lines 42-48). Thus, the cavity 82 cannot have an “interference fit”, because the definition of the root word interfere is “to interpose in a way that hinders or impedes: come into collision or be in opposition,” (see <http://www.merriam-webster.com/dictionary/in%20terfere>). Instead, the internal bearing 90 inside of the cavity 82 only “engages the outer surface 32 of the intermediate steering shaft 30,” and therefore cannot provide an “interference fit.” Thus, it is the annular lip 102 and not the cavity 82 that provides the “interference fit”.

Moreover, the flexible boot 10 includes a body 80 that defines a cavity 82, with a separate internal bearing 90 that is disposed within the cavity for engagement with the steering shaft 30 (see columns 2-3, lines 67-68 and 1-3). As such, Cartwright does not teach or suggest, “the body portion having a central inner cavity including a second circumference and an inner wall, said inner wall defined by said body portion and said second circumference defined by said inner wall.” Instead, Cartwright only teaches that a separate internal bearing 90 “engages the outer surface 32 of the intermediate steering shaft 30” and not the cavity 82.

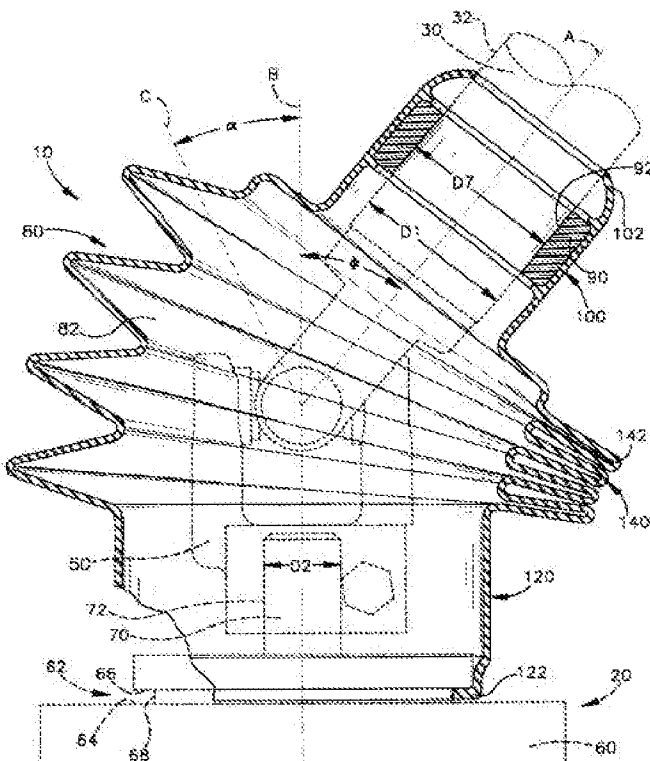


FIG. 1

Further, and contrary to the Examiner's assertions, Ayers, Rabe and Jedlitschka in no way compensate for the additional deficiencies of Cartwright. Indeed, none of Ayers, Rabe and Jedlitschka teach or suggest "the body portion having a central inner cavity" where "said inner wall defined by said body portion and said second circumference defined by said inner wall, said second circumference being smaller than said first circumference of said interconnecting shaft so as to provide an interference fit." Therefore, the combination of the Cartwright with any of Ayers, Rabe and Jedlitschka does not teach every recitation of claims 1, 8 and 15, as required in *In re Royka*.

Dependent claims 2-7, 9-14 and 16-22 depend from patentable independent claims 1, 8 and 15, and include additional recitations that are separately patentable. Merely by way of example, dependent claim 5 recites "wherein said first end mating surface includes a cage section which is shaped to mate with a cage of said transmission joint and an outer race section which is shaped to mate with an outer race of said transmission joint." Accordingly, withdrawal of the rejection is respectfully requested.

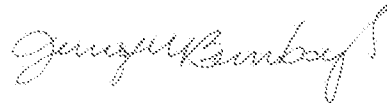
CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-1360, under Order No. G00284/US from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to such deposit account number.

Dated: April 11, 2008

Respectfully submitted,



Jennifer M. Brumbaugh, Reg. No. 48,465
Mick A. Nylander, Reg. No. 37,200
GKN Driveline North America, Inc.
3300 University Drive
Auburn Hills, MI 48326-2362
Attorney for Applicant

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